

REMARKS

Applicants submit the present *Response* to address the issues raised in the Office Action mailed January 5, 2007. The Office Action states that Claims 1-24 stand rejected as anticipated under 35 U.S.C. § 102(b) by U.S. Patent No. 6,348,935 to Malacinski et al. ("Malacinski"). Applicants respectfully request reconsideration of these rejections for the following reasons.

I. The Rejection of Claim 1

Independent Claim 1 recites:

1. A method for displaying a set of hierarchical data on an electronic display, the method comprising:
 - displaying the set of hierarchical data on the electronic display in a tree diagram having a first portion and a second portion;
 - wherein the first portion of the tree diagram has a plurality of vertically oriented levels; and
 - wherein the second portion of the tree diagram has a plurality of horizontally oriented levels.

In rejecting Claim 1, the Office Action cites to Col. 1, lines 35-63 of Malacinski as disclosing the recited "second portion" of the tree diagram, and that Col. 7, lines 1-35 discloses that "the second portion of the tree diagram has a plurality of horizontally oriented levels" as recited in the last clause of Claim 1. Applicants respectfully disagree with both of these conclusions.

As an initial matter, Applicants submit that Col. 7, lines 1-35 of Malacinski does not disclose a portion of a tree diagram that "has a plurality of horizontally oriented levels." Instead, the cited portion of Malacinski merely discusses a "tree view controller 66" for a tree diagram that includes a number of control functions 74, 76, 78, 80 that can be accessed by user selectable indicia 84, 86, 88, 90. These functions may be used to perform specific operations on the tree view display 64. The specific functions cited are (1) adding data, (2) editing data, (3) deleting data, (4) expanding branches of the display, (5) collapsing branches of the display, (6) scrolling up the tree view display and (7) scrolling down the tree view display. (Malacinski at Col. 7, lines 1-35). The cited portion of Malacinski simply does not disclose or suggest in any way providing a tree diagram that includes "a plurality of horizontally oriented levels" as recited in pending Claim 1. Accordingly, the rejection of Claim 1 should be withdrawn for this reason.

Applicants also respectfully traverse the rejection of Claim 1 because the rejection cites to Col. 1, lines 35-63 in the "Background of the Invention" section as disclosing "a tree diagram having a first portion and a second portion" as recited in the first clause in the body of Claim 1. The Office Action then cites to Col. 7, lines 1-35 of Malacinski as disclosing that the "second portion" includes "a plurality of horizontally disposed levels." However, the discussion in these two sections of Malacinski are unrelated, and Col. 7, lines 1-35 of Malacinski certainly does not purport to explain the contents of the prior art tree displays discussed in the Background of the Invention section. Accordingly, this provides an independent basis for withdrawal of the rejection of Claim 1.

II. The Rejection of Claim 2

Claim 2 depends from Claim 1, and hence the rejection of Claim 2 should be withdrawn for each of the reasons, discussed above, that the rejection of Claim 1 should be withdrawn. In addition, Applicants respectfully submit that Claim 2 is independently patentable over Malacinski. In particular, the Office Action states that Col. 8, lines 41-60 of Malacinski discloses "at least one element in the set of hierarchical data includes a set of embedded hierarchical data" as recited in Claim 2. However, what the cited portion of Malacinski discusses is a "data selector" 82 that is used to modify the appearance of data in the tree diagram when the data is selected by a user. Applicants respectfully submit that this discussion in Malacinski does not have anything to do with including elements that have embedded hierarchical data in a tree diagram and hence the rejection of Claim 2 should be withdrawn for this additional reason.

III. The Rejection of Claim 3

Claim 3 depends from both Claims 1 and 2, and hence the rejection of Claim 3 should be withdrawn for each of the reasons, discussed above, that the rejections of Claims 1 and 2 should be withdrawn. In addition, Applicants respectfully submit that Claim 3 is independently patentable over Malacinski. In particular, the Office Action states that Col. 9, lines 40-67 of Malacinski discloses that "the set of embedded hierarchical data is displayed in the second portion of the tree diagram" as recited in Claim 3. However, what the cited portion of Malacinski actually discusses is scrolling and expand functions that are unrelated to embedded

hierarchical data sets. Accordingly, Malacinski also fails to disclose the recitation added by Claim 3, and hence the rejection of Claim 3 should be withdrawn for this additional reason.

IV. The Rejection of Claim 4

Claim 4 depends from Claims 1-3, and hence the rejection of Claim 4 should be withdrawn for each of the reasons, discussed above, that the rejections of Claim 1-3 should be withdrawn. In addition, Applicants respectfully submit that Claim 4 is independently patentable over Malacinski. In particular, the Office Action states that Col. 10, lines 36-67 of Malacinski discloses "at least one element in the set of embedded hierarchical data includes a second set of embedded hierarchical data" and that "the second set of embedded hierarchical data is displayed in a third portion of the tree diagram" as recited in Claim 4. However, what the cited portion of Malacinski actually discusses is providing symbols or graphical indicia in the tree view display. These symbols/indicia are not part of the hierarchical data set that is displayed in the tree diagram, let alone a "second set of embedded hierarchical data" as recited in Claim 4. As such, the rejection of Claim 4 should be withdrawn for this additional reason.

V. The Rejection of Claim 5

Claim 5 depends from Claim 1, and hence the rejection of Claim 5 should be withdrawn for each of the reasons, discussed above, that the rejection of Claim 1 should be withdrawn. In addition, Applicants respectfully submit that Claim 5 is independently patentable over Malacinski. In particular, the Office Action states that Col. 11, lines 28-64 of Malacinski discloses that "the second portion of the tree diagram is disposed between two adjacent levels of the plurality of vertically oriented levels" as recited in Claim 5. However, what the cited portion of Malacinski actually discusses is a plurality of "buttons" which can be used to activate associated functions. Thus, Malacinski's failure to disclose the recitations added by Claim 5 provides an independent basis for withdrawal of the rejection of Claim 5.

VI. The Rejection of Claim 6

Claim 6 depends from Claim 1, and hence the rejection of Claim 6 should be withdrawn for each of the reasons, discussed above, that the rejection of Claim 1 should be withdrawn. In

addition, Applicants respectfully submit that Claim 6 is independently patentable over Malacinski. In particular, the Office Action states that Col. 5, lines 34-52 of Malacinski discloses "at least one of the plurality of horizontally oriented levels has a first node that is aligned with one of the plurality of vertically oriented levels and a second node that is aligned with a different one of the plurality of vertically oriented levels" as recited in Claim 6. However, what the cited portion of Malacinski discusses is the general format for a tree diagram. While the cited portion of Malacinski does discuss vertically oriented levels, it does not disclose including a horizontally oriented level that has nodes aligned with respective ones of the vertically oriented levels as recited in Claim 6. Accordingly, the rejection of Claim 6 should be withdrawn for this additional reason.

VII. The Rejection of Claim 7

Claim 7 depends from Claim 1, and hence the rejection of Claim 7 should be withdrawn for each of the reasons, discussed above, that the rejection of Claim 1 should be withdrawn. In addition, Applicants respectfully submit that Claim 7 is independently patentable over Malacinski. In particular, the Office Action states that FIGS. 1 and 2 of Malacinski disclose that "the plurality of vertically oriented levels in the first portion of the tree diagram and the plurality of horizontally oriented levels in the second portion of the tree diagram have one or more nodes at each level" and further disclose displaying "an expansion handle icon having a first configuration adjacent at least one of the nodes in the first portion of the tree diagram" and "an expansion handle icon having a second configuration adjacent at least one of the other nodes in the first portion of the tree diagram" as recited in Claim 7. Applicants respectfully submit, however, that FIG. 2 does not relate to the subject matter of Claim 7, and that FIG. 1 of Malacinski only discloses a tree diagram with vertically oriented levels and conventional expansion handles. Thus, as Malacinski also fails to disclose the subject matter of Claim 7, the rejection of Claim 7 should be withdrawn for this additional reason.

VIII. The Rejection of Claim 8

Claim 8 depends from Claim 1, and hence the rejection of Claim 8 should be withdrawn for each of the reasons, discussed above, that the rejection of Claim 1 should be withdrawn. In

addition, Applicants respectfully submit that Claim 8 is independently patentable over Malacinski. In particular, the Office Action states that Col. 10, lines 1-67 of Malacinski discloses "a plurality of level indicators of a second type that is different from the first type that denote respective of the plurality of horizontally oriented levels" as recited in Claim 8. Applicants respectfully submit, however, that the cited portion of Malacinski does not disclose anything having to do with a different type of level indicators for horizontally oriented levels. Accordingly, the rejection of Claim 8 should be withdrawn for this additional reason.

IX. The Rejection of Claim 9

Claim 9 depends from Claims 1 and 5, and hence the rejection of Claim 9 should be withdrawn for each of the reasons, discussed above, that the rejections of Claims 1 and 5 should be withdrawn. In addition, Applicants respectfully submit that Claim 9 is independently patentable over Malacinski. In particular, the Office Action states that Col. 11, lines 1-64 of Malacinski discloses "expanding a first of the one or more nodes in a first of the plurality of vertically oriented levels to display at least one of the one or more nodes in a first of the plurality of horizontally oriented levels" and "laterally shifting the displayed plurality of vertically oriented levels that are higher levels than the first of the plurality of vertically oriented levels" as recited in Claim 9. However, as discussed above with respect to the rejection of Claim 5, what the cited portion of Malacinski actually discusses is a plurality of "buttons" which can be used to activate associated functions. Thus, the rejection of Claim 9 should be withdrawn for this additional reason.

X. The Rejection of Claim 10

Claim 10 depends from Claim 1, and hence the rejection of Claim 10 should be withdrawn for each of the reasons, discussed above, that the rejection of Claim 1 should be withdrawn. In addition, Applicants respectfully submit that Claim 10 is independently patentable over Malacinski. In particular, the Office Action states that Col. 15, lines 5-30 of Malacinski discloses "the plurality of vertically oriented levels and the plurality of horizontally oriented levels have one or more nodes at each level, and wherein each of the plurality of horizontally oriented levels branch out directly or indirectly from respective ones of the one or more nodes in

the vertically oriented levels" as recited in Claim 10. However, what the cited portion of Malacinski actually discusses is a series of operations where various branches of a tree diagram are collapsed or expanded. Accordingly, the failure of Malacinski to disclose the recitations of Claim 10 provide an independent basis for the withdrawal of the rejections of Claim 10.

XI. The Rejection of Claim 11

Claim 11 depends from Claims 1 and 10, and hence the rejection of Claim 11 should be withdrawn for each of the reasons, discussed above, that the rejections of Claim 1 and 10 should be withdrawn. In addition, Applicants respectfully submit that Claim 11 is independently patentable over Malacinski. In particular, the Office Action states that Claim 16 (Col. 16, lines 37-63) of Malacinski discloses "the tree diagram includes a third portion that has a plurality of second vertically oriented levels, and wherein each of the plurality of second vertically oriented levels branch out directly or indirectly from respective ones of a group of nodes that comprise part of the second portion of the tree diagram" as recited in Claim 11. Applicants respectfully submit, however, that the cited portion of Malacinski does not disclose the recitation of Claim 11, and thus Claim 11 is also independently patentable over Malacinski.

XII. The Rejection of Claim 12

Claim 12 recites:

12. A method for displaying a set of hierarchical data in which elements of the set of hierarchical data include embedded hierarchical data on an electronic display, the method comprising:

- displaying at least part of the set of hierarchical data on the electronic display in a first plurality of levels that have a first orientation upon which the one or more nodes that comprise the level are substantially aligned; and

- displaying the embedded hierarchical data embedded in at least one of the elements of the set of hierarchical data on the electronic display in a second plurality of levels that have a second orientation upon which the one or more nodes that comprise the level are substantially aligned;

- wherein the second orientation is different than the first orientation.

The Office Action states that Col. 11, lines 15-64 and Col. 13, lines 10-67 discloses the method of Claim 12. However, as discussed above, Col. 13, lines 10-67 of Malacinski discusses

buttons that may be used to activate functions, and has nothing to do with displaying hierarchical data in a first plurality of levels that have a first orientation and in a second plurality of levels that have a different, second orientation as recited in Claim 12. Col. 13, lines 10-67 describe a flowchart in Malacinski that involves the use of a tree view control panel and likewise fails to disclose or suggest displaying hierarchical data in different orientations. Accordingly, Applicants respectfully submit that the cited portions of Malacinski fail to disclose or suggest the method of Claim 12.

XIII. The Rejection of Claim 13

Claim 13 depends from Claim 12, and hence the rejection of Claim 13 should be withdrawn for each of the reasons, discussed above, that the rejection of Claim 12 should be withdrawn. In addition, Applicants respectfully submit that Claim 13 is independently patentable over Malacinski. In particular, the Office Action states that Col. 14, lines 17-60 of Malacinski discloses that "the first orientation is a vertical orientation and the second orientation is a horizontal orientation" as recited in Claim 13. Applicants have carefully reviewed the cited portion of Malacinski, which comprises Claims 1-5, and could find no disclosure of the providing vertical and horizontal orientations. Accordingly, the rejection of Claim 13 should be withdrawn for this additional reason.

XIV. The Rejection of Claim 14

Claim 14 depends from Claim 12, and hence the rejection of Claim 14 should be withdrawn for each of the reasons, discussed above, that the rejection of Claim 12 should be withdrawn. In addition, Applicants respectfully submit that Claim 14 is independently patentable over Malacinski. In particular, the Office Action states that Col. 6, lines 13-65 of Malacinski discloses "displaying a second set of hierarchical data that is embedded in an element of the embedded hierarchical data in one or more of the first plurality of levels" as recited in Claim 14. Again, the cited portion of Malacinski does not discuss embedded hierarchical data. Accordingly, the rejection of Claim 14 should be withdrawn for this additional reason.

XV. The Rejection of Claim 15

Claim 15 recites:

15. A graphical user interface for displaying a set of hierarchical data in which elements of the set of hierarchical data include embedded hierarchical data, comprising:

a tree diagram having a plurality of vertically oriented levels that include one or more nodes;

a plurality of horizontally oriented levels that include one or more nodes, wherein each of the plurality of horizontally oriented levels branch out directly or indirectly from respective of the one or more nodes in the plurality of vertically oriented levels.

The Office Action states Col. 9, lines 29-67 and FIGS. 3-5 of Malacinski as disclosing the graphical user interface of Claim 15. However, neither FIGS. 3-5 nor the cited passage from Col. 9 of Malacinski discloses a tree diagram having both a plurality of vertically oriented levels and a plurality of horizontally oriented levels. Accordingly, Malacinski fails to anticipate Claim 15 for at least this reason.

XVI. The Rejection of Claim 16

Claim 16 depends from Claim 15, and hence the rejection of Claim 16 should be withdrawn for each of the reasons, discussed above, that the rejection of Claim 15 should be withdrawn. In addition, Applicants respectfully submit that Claim 16 is independently patentable over Malacinski. In particular, the Office Action states that Col. 1, lines 1-35 of Malacinski discloses the recitations of Claim 16. However, Applicants respectfully submit that the cited portion of Malacinski does not disclose providing different types of expansion handles for horizontally oriented versus vertically oriented levels. Accordingly, the rejection of Claim 16 should be withdrawn for this additional reason.

XVII. The Rejection of Claim 17

Claim 17 depends from Claim 15, and hence the rejection of Claim 17 should be withdrawn for each of the reasons, discussed above, that the rejection of Claim 15 should be withdrawn. In addition, Applicants respectfully submit that Claim 17 is independently patentable over Malacinski. In particular, the Office Action states that Col. 3, lines 1-30 and

FIGS. 3-5 of Malacinski discloses the subject matter of Claim 17. However, Applicants respectfully submit that the cited portion of Malacinski does not disclose providing different types of level indicators for horizontally oriented versus vertically oriented levels. Accordingly, the rejection of Claim 17 should be withdrawn for this additional reason.

XVIII. The Rejection of Claim 18

Claim 18 depends from Claim 17, and hence the rejection of Claim 18 should be withdrawn for each of the reasons, discussed above, that the rejections of Claim 15 and 17 should be withdrawn. In addition, Applicants respectfully submit that Claim 18 is independently patentable over Malacinski. In particular, the Office Action states that Col. 8, lines 41-67 of Malacinski discloses "the plurality of level indicators of a first type comprise a line of a first color and the plurality of level indicators of a second type comprise a line of a different color" as recited in Claim 18. However, what the cited portion of Malacinski actually discusses is using a different color to denote selected data, as opposed to using different colors for level indicators. Accordingly, the rejection of Claim 18 should be withdrawn for this additional reason.

XIX. The Rejection of Claim 19

Claim 19 depends from Claim 15, and hence the rejection of Claim 19 should be withdrawn for each of the reasons, discussed above, that the rejection of Claim 15 should be withdrawn. In addition, Applicants respectfully submit that Claim 19 is independently patentable over Malacinski. In particular, the Office Action states that FIGS. 3-7 of Malacinski discloses the recitations of Claim 19. However, Applicants respectfully submit that the cited portion of Malacinski does not disclose disposing each of the plurality of horizontally oriented levels between pairs of adjacent nodes in the plurality of vertically oriented levels as recited in Claim 19, providing an independent basis for withdrawal of the rejection of Claim 19.

XX. The Rejection of Claims 20-24

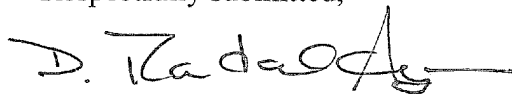
Claims 20-24 also stand rejected as anticipated by Malacinski. Applicants respectfully submit, however, that the rejection of Claim 20 should be withdrawn for reasons substantially similar to the reasons that the rejection of Claim 6 should be withdrawn, that the rejection of

In re: Guido et al.
Application No.: 10/735,966
Filed: December 15, 2003
Page 16

Claim 22 should be withdrawn for reasons substantially similar to the reasons that the rejection of Claim 16 should be withdrawn, and that the rejection of Claim 24 should be withdrawn for reasons substantially similar to the reasons that the rejection of Claim 13 should be withdrawn. The rejections of Claims 21 and 23 should be withdrawn at least because these claims depend from a patentable base claim.

Accordingly, for the above-stated reasons, Applicants respectfully request that this application is in condition to pass to issue, which action is respectfully requested. Should the Examiner have any matters of outstanding resolution, he is encouraged to telephone the undersigned at 919-854-1400 for expeditious handling.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "D. Randal Ayers", with a long horizontal flourish extending to the right.

D. Randal Ayers
Registration No. 40,493

Customer No. 20792
Myers Bigel Sibley & Sajovec
P. O. Box 37428
Raleigh, North Carolina 27627
Telephone: (919) 854-1400
Facsimile: (919) 854-1401